

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In re:

BKY No.: 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

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**NOTICE OF MOTION AND MOTION FOR APPROVAL  
OF SETTLEMENT AGREEMENT**

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TO: ENTITIES SPECIFIED IN LOCAL RULE 9013-3

1. Randall L. Seaver, the Chapter 7 Trustee ("**Trustee**") herein, moves the Court for the relief request below and gives Notice of hearing herewith.

2. The Court will hold a hearing on this motion on January 27, 2010 at 2:00 p.m. before the Honorable Robert J. Kressel in Courtroom 8 West, 300 South Fourth Street, Minneapolis, Minnesota 55415, or as soon thereafter as counsel may be heard.

3. Any response to this motion must be filed and delivered no later than January 22, 2010 which is five (5) days before the time set for the hearing (including Saturdays, Sundays, and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this Motion under 28 U.S.C. §§157 and 1334, Fed.R.Bankr.P. 5005, and Local Rule 1070-1. The petition commencing this chapter 7 case was filed on June 4, 2009. The case is now pending in this court.

5. This Motion arises under Fed.R.Bankr.P. 9019, Local Rule 9019-1 and is filed under Local Rules 9013-2 and 9013-5. The Trustee seeks approval of a settlement agreement with Debtor Dennis E. Hecker with respect to title to 1615 Northridge Drive, Medina, MN 55391 ("**Northridge**"), a 1985 Kawai baby grand piano located at Northridge ("**Piano**") and settlement

of the Trustee's contempt motion filed against Christi Rowan on November 13, 2009 ("**Contempt**").

6. The details of the settlement are contained in a Settlement Agreement attached hereto as Exhibit A.

7. The Trustee believes that this Settlement Agreement is in the best interest of the estate. Northridge is not believed to have equity and secured creditors are foreclosing on their liens. The Piano is of limited value and Ms. Rowan is not believed to be able to satisfy claims made against her.

8. The settlement, as to Ms. Rowan, is only as to the lease of the Northridge property and contempt. No other claims against Ms. Rowan are being released.

8. The sale of the Piano will be free and clear of all liens and encumbrances.

9. Pursuant to Local Rule 9013-2(c), the Trustee gives notice that he may, if necessary, testify at the hearing regarding the proposed sale.

**WHEREFORE**, the Trustee moves the court for an order as follows:

1. Granting the Trustee's motion for approval of the Settlement Agreement.

**LEONARD, O'BRIEN, SPENCER,  
GALE & SAYRE, LTD.**

/e/ Matthew R. Burton

Dated: January 7, 2010

By: \_\_\_\_\_  
Matthew R. Burton  
100 South Fifth Street, Suite 2500  
Minneapolis, MN 55402  
(612) 332-1030

Attorneys for Randall L. Seaver, Trustee

**VERIFICATION**

I, Randall L. Seaver, Trustee for the Bankruptcy Estate of Dennis E. Hecker named in the foregoing Notice of Hearing and Motion for Approval of Settlement Agreement declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on January 7, 2010

/e/ Randall L. Seaver

\_\_\_\_\_  
Randall L. Seaver, Trustee

414470

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

---

In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

---

**SETTLEMENT AGREEMENT**

THIS SETTLEMENT AGREEMENT ("**Agreement**") is entered into between Randall L. Seaver, Trustee ("**Trustee**"), Dennis E. Hecker ("**Debtor**"), Christi Rowan ("**Rowan**") and Ralph Thomas ("**Thomas**") (collectively referred to as the "**Parties**").

WHEREAS, the Debtor executed a lease with Rowan, as tenant, for 1615 Northridge Drive, Medina, MN 55391 ("**Northridge**");

WHEREAS, Northridge is property of the bankruptcy estate;

WHEREAS, Rowan has attempted to pay rent due under the aforementioned lease and is the subject of a contempt motion brought by the Trustee; and

WHEREAS, Thomas desires to obtain the bankruptcy estate's interest in Northridge and to obtain a 1985 Kawai baby grand piano ("**Piano**") (scheduled with a value of \$1,500.00) at Northridge; and

WHEREAS, the parties desire to resolve the issues of title to Northridge, the Piano and the Rowan lease issues.

NOW, THEREFORE, in consideration of the foregoing recitals, the covenants undertaken herein and for other good and valuable consideration, the parties make the following:

**EXHIBIT A**

## STIPULATION

1. Thomas has caused to be paid to the Trustee the sum of \$75,000.00, the receipt of which is hereby acknowledged (the "**Settlement Funds**").

2. The Settlement Funds were tendered on December 16, 2009 by way of a check drawn on the account of attorney William Skolnick. Mr. Skolnick represented Ralph Thomas to be the source of the funds.

3. Upon court approval of this Settlement, the Trustee shall: (a) transfer title to Northridge by way of Trustee's deed to Thomas or his assign; (2) provide a bill of sale for the Piano and, (3) deem the Rowan lease issues to be concluded and the Trustee will withdraw his motion to hold Rowan in contempt of court. This release of Rowan relates only to the lease of Northridge and the contempt issues and not to any other claims held by the bankruptcy estate.

4. The undersigned, by execution hereof, state that they have reviewed this Agreement with their respective legal counsel, if any, and that they understand and fully agree to each, all, and every provision hereof, and hereby acknowledge receiving a copy hereof.

5. This Agreement shall be construed under the laws of the State of Minnesota and is subject to final approval of the United States Bankruptcy Court. If approval is not obtained, this Agreement shall become null and void and the Settlement Funds shall be returned to Debtor.

6. This Agreement is valid if executed in counterparts which if read together constitute a fully executed Agreement.

7. It is specifically understood and agreed that the consideration recited herein is in full, final, and complete compromise, settlement, accord, and satisfaction of disputed claims; and there are no covenants, promises, or undertakings outside of this Agreement other than as specifically set forth herein.

Dated: January\_\_\_\_\_, 2009

By\_\_\_\_\_

Randall L. Seaver, Trustee

Dated: January\_\_\_\_\_, 2009

By\_\_\_\_\_

Dennis E. Hecker

Dated: January \_\_\_\_\_, 2009

By\_\_\_\_\_

Christi M. Rowan

Dated: January \_\_\_\_\_, 2009

By\_\_\_\_\_

Ralph Thomas

414770

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

---

In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

---

**UNSWORN CERTIFICATE OF SERVICE**

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I hereby certify that on January 7, 2010, I caused the following documents:

***Notice of Hearing and Motion for Approval of Settlement Agreement and Order (proposed)***

to be filed electronically with the Clerk of Court through ECF, and that the above documents will be delivered by automatic e-mail notification pursuant to ECF and this constitutes service or notice pursuant to Local Rule 9006-1(a).

I further certify that I caused a copy of the foregoing documents to be mailed by first-class mail, postage paid, to the following:

**SEE ATTACHED SERVICE LIST**

Dated: January 7, 2010

/e/ Stephanie Wood

---

Stephanie Wood  
100 South Fifth Street, Suite 2500  
Minneapolis, MN 55402  
(612) 332-1030

UNITED STATES RENT A CAR  
4744 PARADISE ROAD  
LAS VEGAS,, NV 89121

ACE INSURANCE COMPANY  
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CLEVELAND OH 44101

ALDRIDGE, DAN  
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ALLEN EIDE  
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SUITE 900  
GRAND FORKS ND 58201

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1060 DAKOTA DRIVE  
MENDOTA HEIGHTS MN 55120

AMERICAN EXPRESS  
P. O. BOX 0001  
LOS ANGELES CA 90096

AMERICAN NAT'L BANK OF MN  
7638 WOIDA RD  
BAXTER MN 56425

ANCHOR BANK  
1570 CONCORDIA AVE  
SAINT PAUL MN 55104

ANCHOR BANK  
P.O. BOX 7933  
MADISON WI 53707

AV CARD/OASIS  
164 LAKE FRONT DR  
COCKEYSVILLE MD 21030

AXIS CAPITAL, INC.  
308 N LOCUST ST  
PO BOX 2555  
GRAND ISLAND NE 68802

AXLE CAPITAL, LLC / SAGECREST  
3 PICKWICK PLAZA  
GREENWICH CT 06830

AMERICAN BANK  
1578 UNIVERSITY AVENUE W  
SAINT PAUL, MN 55104

AMERICAN EXPRESS BANK FSB  
C/O BECKET AND LEE LLP  
PO BOX 3001  
MALVERN PA 19355-0701

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W LOS ANGELES CA 90064

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BAYPORT MN 55003

BELISLE, WAYNE  
1843 EAGLE RIDGE DR  
SAINT PAUL MN 55118

BELLAGIO  
3600 LAS VEGAS BLVD  
LAS VEGAS NV 89109

BREICH, WALTER  
13670 -- 122ND STREET  
NORWOOD YOUNG AMERICA MN  
55368

BREMER BANK  
633 SOUTH CONCORD STREET,  
SUITE 350  
SOUTH ST. PAUL MN 55075

BRIGGS & MORGAN PA  
2200 IDS CENTER  
80 SOUTH EIGHTH STREET  
MINNEAPOLIS MN 55402

C AND C BOAT WORKS  
36448 CTY RD 66  
CROSSLAKE MN 56442

CA BOARD OF EQUALIZATION  
PO BOX 942879  
SACRAMENTO CA 94279-7072

CA DEPT OF MOTOR VEHICLES  
PO BOX 942869  
SACRAMENTO CA 94269-0001

CARLTON FINANCIAL  
CORPORATION  
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WAYZATA MN 55391

CENTER POINT ENERGY  
P.O. BOX 1144  
MINNEAPOLIS MN 55440

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P.O. BOX 12270  
WICHITA KS 67277

CHRYSLER FINANCIAL  
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STE. 700  
ENGLEWOOD CO 80111-4979

CITY OF ASPEN  
130 S. GALENA ST.  
ASPEN CO 81611

CITY OF BAYPORT  
294 N. 3RD STREET  
BAYPORT MN 55003



CITY OF MEDINA  
2052 CO RD 24  
HAMEL MN 55340

COMMUNITY NATIONAL BANK  
845 EAST COUNTY ROAD E  
VADNAIS HEIGHTS MN 55127

D&H DOCKS  
23624 SMILEY ROAD  
NISSWA, MN 56468

COOPERATIVE POWER  
P.O. BOX 69  
TWO HARBORS MN 55616

CORNERSTONE BANK  
2627 SOUTH UNIVERSITY  
FARGO ND 58103

CROSSLAKE PROPERTY  
SOLUTIONS  
P.O. BOX 810  
CROSSLAKE MN 56442

CROW WING COUNTY  
TREASURER  
JUDICIAL CENTER  
213 LAUREL ST  
BRainerd MN 56401

DEERWOOD BANK  
611 WASHINGTON STREET NE  
BRainerd MN 56401-3377

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HUDSON WI 54016

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15626 SUNSET WAY  
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3003 TAMiami TRAIL NORTH, #100  
NAPLES FL 34103

EXXONMOBILE OIL  
CORPORATION  
ATTN JENNIFER FRASER  
120 MCDONALD STREET SUITE B  
SAINT JOHN NB CANADA E2J 1M5

FAMILY HOLDINGS OF MN LLC  
11614 ECHO BAY DRIVE  
CROSSLAKE MN 56442

FIFTH THIRD BANK  
C/O RICHARD J. SWIFT, JR.  
GARLICK STETLER & SKRIVIAN  
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#100  
NAPLES FL 34109

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1415 WEST 22ND STREET, SUITE  
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OAKBROOK IL 60523

GE CAPITAL, FLEET SERVICES  
3 CAPITAL DRIVE  
EDEN PRAIRIE MN 55344

GELCO CORPORATION  
THREE CAPITAL DRIVE  
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COSTA MESA CA 92626

GEMB LENDING, INC.  
P.O. BOX 57091  
IRVINE CA 92619

GMAC MORTGAGE  
1100 VIRGINIA DRIVE  
FORT WASHINGTON, PA 19034

GMAC MORTGAGE  
P.O. BOX 4622  
WATERLOO IA 50704

GMAC, LLC  
15303 94TH AVENUE  
ORLAND PARK IL 60462

GWYN M DOENZ  
10600 COUNTRY DRIVE  
PINE CITY MN 55063

HECKER, SANDRA  
13755 - 84TH PL N  
MAPLE GROVE MN 55369

HENNEPIN COUNTY TREASURER  
300 S SIXTH ST  
A600 GOVERNMENT CNT  
MINNEAPOLIS MN 55487

HOLY CROSS ENERGY  
3799 HWY 82  
GLENWOOD SPRINGS CO 81602

HOME FEDERAL SAVINGS BANK  
1016 CIVIC CENTER DR NW  
STE 300  
ROCHESTER MN 55903

HSBC BANK NEVADA NA  
BASS & ASSOCIATES, PC  
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2900  
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TWO HARBORS MN 55616

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MILWAUKEE WI 53202

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BURNSVILLE MN 55337

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MAIL STATION 7701  
SAINT PAUL MN 55146-7701

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KLEINBANK  
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SAVAGE MN 55378

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MINNEAPOLIS MN 55414

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ROSEVILLE MN 55113

PRESS A DENT INC  
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LONG BEACH CA 90802

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PROPERTIES  
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FARGO ND 58102

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JORDAN MN 55352

RIVERWOOD BANK  
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DALLAS TX 75266

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REVENUE  
600 NORTH ROBERT STREET  
ST. PAUL MN 55101

STORCHECK CLEANERS  
857 7TH STREET  
ST. PAUL MN 55106

SUMMERS PROPERTY  
MANAGEMENT  
111K AABC  
ASPEN CO 81611

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MINNEAPOLIS MN 55402

TCHIDA, BRYANT D., ESQ.  
LEONARD STREET & DEINARD  
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MINNEAPOLIS MN 55402

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MINNETONKA MN 55305

TOYOTA MOTOR CREDIT CORP  
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MINNETONKA MN 55305

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BC-MN-H22A  
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FLOOR  
MINNEAPOLIS MN 55402

US BANK VISA CARD  
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ST. LOUIS MO 63179

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DANBURY CT 06810

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DES MOINES IA 50391

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GOVERNMENT CENTER  
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STILLWATER MN 55082

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FA  
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STOCKTON CA 95290

WASTE PARTNERS  
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PINE RIVER MN 56474-0677

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MINNEAPOLIS MN 55480-1353

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1843 EAGLE RIDGE  
MENDOTA HEIGHTS MN 55118

WELLS FARGO  
C/O DAVID GALLE  
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LOAN ADJUSTMENT GROUP  
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MINNEAPOLIS MN 55402

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53 FIRST ST. SW  
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STUART ROZEN  
MAYER BROWN LLP  
71 SOUTH WACKER DRIVE  
CHICAGO, IL 60606

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In re:

BKY No.: 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

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**ORDER**

---

This case is before the court on the motion of Randall L. Seaver, trustee seeking an order authorizing approval of a settlement agreement.

Based on the motion and the file,

It is ordered:

1. The trustee's motion for approval of the settlement agreement is granted.
2. Pursuant to the settlement agreement, the trustee is authorized to execute a trustee's deed to the debtor or his designee with respect to 1615 Northridge Drive, Medina, MN 55391. The trustee may also transfer the 1985 Kawai baby grand piano to debtor, free and clear of liens and encumbrances.
3. Only claims relating to the lease of the Northridge property are being released as to Christi Rowan.

Dated: \_\_\_\_\_

---

Robert J. Kressel  
United States Bankruptcy Judge